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Chair: Mr. Al-Shami (Vice-Chair) ..... (Yemen)

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In the absence of Mr. Tommo Monthe (Cameroon), Mr. Al-Shami (Yemen), Vice-Chair, took the Chair.

The meeting was called to order at 10.15 a.m.

Tribute to the memory of Mr. Néstor Kirchner, former President of the Argentine Republic

1. **Mr. de Séllos** (Brazil) and **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) paid tribute to the memory of Mr. Néstor Kirchner.

2. *At the invitation of the Chair, the members of the Committee observed a minute of silence.*

Agenda item 68: Promotion and protection of human rights (*continued*) (A/65/36)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/65/87, A/65/119, A/65/156, A/65/162, A/65/171, A/65/207, A/65/222, A/65/223, A/65/224, A/65/227 and Add.1, A/65/254, A/65/255, A/65/256, A/65/257, A/65/258, A/65/259, A/65/260 and Corr.1, A/65/261, A/65/263, A/65/273, A/65/274, A/65/280 and Corr.1, A/65/281, A/65/282, A/65/284, A/65/285, A/65/287, A/65/288, A/65/310, A/65/321, A/65/322, A/65/340 and A/65/369)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/65/331, A/65/364, A/65/367, A/65/368, A/65/370 and A/65/391)

3. **Mr. Errázuriz** (Chile), speaking on behalf of the Rio Group, stressed the importance of respecting the human rights of all migrants, an issue of particular significance for the Americas, where the current society was a product of past and present migratory flows. The members of the Rio Group were proud of their multi-ethnic and multicultural character and believed that migration had enriched their societies. Unfortunately, the contribution of migrants to the economic and social development of their host societies was not sufficiently recognized, a problem that was aggravated by the economic, financial and social effects of the global crises.

4. The Rio Group opposed the adoption of laws and regulations which criminalized undocumented immigrants. The Group rejected illegal detention and urged Member States to respect the dignity and human rights of migrants, to repeal laws adopted for political motives which tacitly encouraged illegal migration and to stop taking discriminatory or stigmatizing measures against certain groups of people.

5. The Rio Group agreed with the Special Rapporteur on the human rights of migrants that the failure by States to include human rights in their migration-management policies had a negative impact not only on the protection of illegal migrants but on all migrants and on society as a whole in the host countries. In addition, the Group was concerned that international criminal networks were trafficking migrants. The member States of the Rio Group were committed to redoubling their efforts to combat human trafficking, including all forms of trafficking and exploitation of migrants, and to guaranteeing the protection and care of victims of those crimes, in particular women, children and adolescents, taking their specific needs into account. Countries of origin, transit and destination should better coordinate their activities in and make a common stand against such practices.

6. The Rio Group also recognized the importance of the right of migrants to return to their countries of origin safely and the need to foster the economic, social and political conditions there that would help them to thrive.

7. It was crucial to continue the campaign against racism and xenophobia and to continue to defend the human rights of migrants, especially with regard to the most vulnerable groups, such as young people. In that regard, the Rio Group welcomed the fact that, at its fourth meeting, in November 2010, the Global Forum on Migration and Development, would be taking up the question of human rights and migration.

8. **Mr. de Séllos** (Brazil), speaking on behalf of the member States of the Southern Common Market (MERCOSUR) and associated States, reaffirmed that human rights were universal, indivisible and interdependent and that they contributed to the promotion of peace and sustainable development. In that regard, MERCOSUR had approved the establishment of the Human Rights Public Policy Institute, whose role it was to contribute towards strengthening the rule of law and guaranteeing the exercise of human rights in member States.

9. The member States of MERCOSUR and associated States were concerned by the effects of the economic and financial crisis on the realization of all human rights, in particular the right to development, and therefore urged developed countries to honour their commitment to dedicate 0.7 per cent of their gross domestic product to official development assistance by 2015.

10. The member States of MERCOSUR and associated States were united in their fight against discrimination and noted in particular the increase in religious intolerance and the need, through dialogue and education, to combat incitation to hatred. They also denounced discrimination based on sexual orientation, called for the elimination of criminal sanctions imposed on persons because of their sexual orientation and urged all States to redouble their efforts to put an end to related acts of violence.

11. The International Convention for the Protection of All Persons from Enforced Disappearance should enter into force without delay; accordingly, MERCOSUR urged all Member States to ratify it as soon as possible, since it enshrined the right to the truth, which was crucial to the promotion of justice and fundamental rights for the families of disappeared persons.

12. The member States of MERCOSUR and associated States reaffirmed their support for the appeal by the United Nations for a moratorium on the death penalty, with a view to its abolition. Stressing the importance of the Human Rights Council, the Organization's main body responsible for the multilateral, objective and impartial treatment of the question of human rights, MERCOSUR reiterated its willingness to contribute towards improving its efficiency.

13. **Mr. Wenaweser** (Liechtenstein) said that the review of the work and functioning of the Human Rights Council was a good opportunity to streamline its mechanisms. He agreed with most delegations that making the Council a principal organ of the United Nations was not currently the best solution and might not be a good idea since it would involve amending the Charter of the United Nations. However, several improvements could and should be made to enhance the efficiency and coherence of the relationship between the Council and the General Assembly, in particular its Third and Fifth Committees. The issue of the funding allocated to the Council in support of its decisions should also be examined. Liechtenstein believed that the success of the review would significantly strengthen the governance of the United Nations in the field of human rights.

14. Noting that numerous gaps remained in the implementation of international human rights standards, he stressed the crucial role that must be played by the Council and its monitoring mechanisms — the special procedures, the universal periodic review and the treaty bodies — in helping States to promote, protect and realize human rights. The universal periodic review would only be useful if the resulting recommendations were implemented. States should be obliged to explain their reasons for not implementing the recommendations and to submit an interim report on the progress that had been made in that regard.

15. He regretted that the work of the special procedures mandate holders was often criticized. The independence of those mechanisms must be maintained and they needed to have predictable and adequate funding in order to be able to appoint the best experts to those positions.

16. It was in the interest of the States parties to the international human rights instruments to cooperate with the treaty bodies, in particular by presenting their reports in a timely manner. However, the continuing backlog of the treaty bodies in their consideration of reports necessitated efforts to improve their working methods.

17. **Mr. Butt** (Pakistan) noted that progress had been made towards establishing a normative framework of human rights law, but urged the international community to take the necessary measures to protect humanity from contemporary forms of discrimination and injustice and remove any obstacles to the full realization of all human rights.

18. Implementation of the international human rights instruments was still being hampered and millions of people denied the fundamental right to self-determination, which was however enshrined in the Charter of the United Nations and both International Covenants. The international community should demonstrate the same resolve for the realization of that fundamental right as it had in the fight against apartheid.

19. Recalling that none of the international human rights instruments established a ranking of rights, Pakistan deplored the fact that the existing world order was guided by the principles of selectivity and economic and political exploitation, and noted that any attack on one set of rights had repercussions on the others and in the end undermined them all. In addition, the Vienna Declaration and Programme of Action had established a link between poverty and human rights violations. The fight against poverty should therefore be the central theme of the human rights machinery and development strategies should aim not only to promote economic growth but also to build more equitable, inclusive and just societies where the benefits of globalization were shared equally by all.

20. International human rights law should evolve in step with changes in human society to reflect new challenges. The growth of racism and the trend towards the defamation of religions, Islam in particular, should prompt the international community to react by taking measures to suppress the excesses being committed in the name of freedom of expression.

21. Pakistan attached great importance to the action of all the special rapporteurs but warned against the politicization of their work and urged them to maintain their independence and impartiality while working within the scope of their mandates. The Constitution of Pakistan was based on the principles of equal rights and the equal treatment of all citizens. The work of the democratically elected Government was centred on the country's citizens and intended to follow in the footsteps of its founding father, Mohammad Ali Jinnah, by fostering tolerance, respect and moderation. Pakistan's media was one of the freest and most vibrant in South Asia; civil society played an active role, particularly in assisting the victims of human rights violations; and the independent judiciary had taken steps to guarantee the protection of constitutional rights for all citizens.

22. Pakistan was a party to almost all the international human rights instruments and had recently ratified the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby clearly demonstrating the Government's priorities. In a region afflicted by terrorism and extremism, the country was determined to fight against those evils, as could be seen in the sacrifices made by its civilian population and security forces. Despite its recent humanitarian challenges, its resolve remained unshaken and it was counting on the support and assistance of the international community to help root out those menaces from its soil.

23. **Mr. McLay** (New Zealand) said that human rights had long been at the forefront of his country's domestic and foreign policy — as demonstrated by the number of international instruments to which it was a party — and that a constructive dialogue should be maintained in order to improve the situation of those who were the most in need. New Zealand was concerned about the deterioration in the human rights situation in the Sudan, in Darfur in particular, and called on the authorities in the north and in the south of the country to ensure that the referendum planned for January 2011 proceeded effectively and urged the Sudanese Government to respect the outcome of the consultations. New Zealand also urged that country to cooperate with the independent expert on the situation of human rights in the Sudan. Describing recent human rights violations that had been committed in the Democratic Republic of the Congo, in which more than 500 people — mostly women and girls — had been raped, as war crimes and crimes against humanity, he conveyed New Zealand's exhortation to the Government of the Democratic Republic of the Congo and international stakeholders to do all that they could to protect civilians and bring the perpetrators of those crimes to justice. In Somalia, where human rights were being flouted every day, the humanitarian situation was continuing to deteriorate, even after the country had appealed to the international community for help.

24. The situation of human rights defenders and minorities, members of the Baha'i faith in particular, in the Islamic Republic of Iran, was also a concern. He recalled that, at the conclusion of that country's universal periodic review at the Human Rights Council, the Council had recommended the abolition of stoning. He called for an immediate end to all violence in Israel and in the Occupied Palestinian Territory and said that restrictions of movement should be lifted to allow the passage of humanitarian aid. Expressing support for the forthcoming elections in Myanmar, he stressed that the Government must allow all voices to be heard and called for the immediate release of political prisoners. New Zealand was particularly alarmed by reports of the displacement of children and their recruitment as child soldiers and called on the

authorities to fulfil their obligations under the Convention on the Rights of the Child.

25. With regard to the Democratic People's Republic of Korea, he called on the authorities to cooperate with the relevant United Nations humanitarian mechanisms and to allow the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea access to the country. Turning in conclusion to his own region, he deplored the human rights violations that had been perpetrated in Fiji since the military coup in 2006 and the 2009 abrogation of the Constitution, and urged the country to heed the calls from its neighbours to return to constitutional government.

26. **Mr. Wang** Min (China) noted that, 10 years after the adoption of the Millennium Declaration, significant progress had been made in the field of human rights at the global level, in particular with regard to the right to development, but the international financial crisis and natural disasters had hampered the efforts of many developing countries to achieve the Millennium Development Goals. He deplored the global rise in racism, including neo-fascism and neo-Nazism, and the discrimination that resulted from such ideologies. It was unfortunate that the promotion of human rights was being hampered by a politicization of the competent bodies and was used as an excuse to interfere in the internal affairs of certain countries.

27. To resolve that situation, China recommended, first, that Member States should prioritize the right to development, so that everyone could reap the benefit of globalization. The international community should pay more attention to economic, social and cultural rights, such as the rights to shelter, food and health. Second, countries should work harder to eliminate all forms of discrimination against vulnerable groups and promote the effective implementation of the Durban Declaration and Programme of Action. Third, Member States should avoid politicization and confrontation in their discussions of human rights in order to preserve dialogue and good relations. They should make full use of the platform offered by the United Nations and take a constructive approach to the issue of human rights.

28. The general objective of the review of the Human Rights Council was to improve its efficiency and enable it to deal with human rights issues in a more impartial and objective way, in accordance with the provisions of General Assembly resolution 60/251, upon which it was founded. The review must not be politicized and should not call into question an operational model that had been approved by Member States. Itself a developing country, China was committed to accomplishing the difficult task of developing its economy and improving the day-to-day lives of its citizens, tens of millions of whom still lived in poverty. It was currently formulating its twelfth five-year plan for economic and social development and its poverty-alleviation programme for the new decade. It also needed to continue its efforts with regard to democracy and the rule of law: it therefore intended to amend its penal law to reduce the number of crimes punishable with the death penalty and had amended legislation to eliminate discrimination against those affected by hepatitis B, HIV/AIDS and leprosy. Lastly, it was prepared to provide assistance to other developing countries that wanted to participate in the international dialogue on the promotion of human rights.

29. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that her country was firmly committed to the protection of basic liberties and human rights on the basis of implementation of the relevant international instruments. It had established a humanist democracy that answered to the interests, needs and aspirations of the people, whose political participation had reached historic levels. The upholding of human rights represented victories in an unending human quest for dignity and liberty that spanned cultures and civilizations. The countries that set themselves up as human rights defenders had double standards when it came to actual practice. One had only to point to the crimes being committed by the imperialist Powers against the Iraqi and Afghan peoples, the massacres of innocents being perpetrated in the Gaza Strip, or the financial and commercial economic blockade being imposed on Cuba at the same time as the perpetrators pointed fingers at sovereign States under the pretext of conducting a "war on terror".

30. Her country's success in working to reduce poverty and inequality had been noted by the Economic Commission for Latin America and the Caribbean. It fully respected democratic liberties, and had made efforts to promote human rights and strengthen regional human rights cooperation. It welcomed the creation of the Human Rights Council of the Bolivarian Alliance for the Peoples of Our America

and the Human Rights Council of the Union of South American Nations, both of which were appropriate forums for the in-depth examination of human rights issues. On the occasion of the bicentennial of its independence, the Bolivarian Republic of Venezuela called for the universalization of human rights.

31. **Mr. Goledzinowski** (Australia) said that his country had developed a national human rights framework through national consultations focusing on education and awareness-raising. Australia was committed to the basic rights of indigenous peoples and was making considerable efforts to address inequalities in rights between indigenous Australians and non-indigenous Australians.

32. Australia remained committed to protecting human rights in situations of armed conflict, and was the twelfth largest contributor to the United Nations peacekeeping budget. There remained a gap between collective expectations and the actual capacities of peacekeeping soldiers on the ground, and his country supported the analytical inventory developed by the Department of Peacekeeping Operations and the United Nations Development Fund for Women, which would improve the ability of the United Nations to protect civilians from sexual violence in conflict situations.

33. On the tenth anniversary of Security Council resolution 1325 (2000), his country welcomed the creation of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Australia remained committed to supporting the rights of persons with disabilities and abolishing capital punishment, and welcomed in particular the abolition of capital punishment by Angola and Mongolia, as well as the efforts being made by the Philippines to combat sexual violence in armed conflict. However, his delegation regretted the restrictive political conditions in Myanmar and the treatment of human rights defenders and minorities in the Islamic Republic of Iran, where stoning and hanging were still employed as methods of execution. His country was also concerned by the situation in Zimbabwe, where speech continued to be suppressed, in Fiji, where a non-democratic government continued to curtail individual liberties, and in the Democratic People's Republic of Korea, where the population suffered from a range of violations of their most basic rights.

34. Given the global situation, Australia remained committed to a multilateral and constructive approach to human rights. It believed that education was the best tool for combating poverty, and intended to commit $5 billion to teaching around the world over the period until 2015. There was a clear link between the Millennium Development Goals and human rights, and he called on the international community to recognize the importance of economic, social and cultural rights to development.

35. **Mr. Ulibarri** (Costa Rica) said that in his country the rule of law went back to the nineteenth century. Costa Rica had been among the first to accede to the major international human rights instruments. Having abolished its army some 60 years previously, it was able to direct its financial resources towards investments that benefited its population directly, and ensured enjoyment of social, economic and cultural rights within a system based on solidarity, non-discrimination and respect for the individual liberties provided for in international human rights instruments that were directly applicable in domestic law.

36. Costa Rica believed that human rights should be a multilaterally cross-cutting element of the work of the United Nations. Poverty reduction and human rights promotion were mutually reinforcing; the ethical dimension of development should be stressed in attaining the Millennium Development Goals. Costa Rica was also committed to the struggle against discrimination, especially against minorities. As part of preparations for the International Year for People of African Descent, to be marked in 2011, it had held a seminar in cooperation with the Office of the United Nations High Commissioner for Human Rights to develop a national plan to combat discrimination. Eleven out of 100 people in Costa Rica were immigrants, a larger percentage than in most industrialized countries.

37. Respect for human rights should also inform the maintenance of international peace and security, interventions conducted during and after conflicts, and the campaign against terrorism. He welcomed the establishment of the Office of the Ombudsperson of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, but noted that many challenges remained to be overcome in that area. He also welcomed the trend towards the

abolition of capital punishment and recent initiatives to combat torture. Lastly, he lauded the progress being made by the international community towards a universal conception of human rights that cast aside the obsolete vision of the State as the measure of all things, placed human beings at the heart of its concerns, and committed all States to cooperate in the fight against impunity.

38. **Ms. Shinohara** (Japan) said that the promotion and protection of human rights were indispensable to global peace and stability. Those rights could only be realized when an enlightened civil society was cultivated through unceasing efforts to cultivate individual independence and empowerment. Japan was working to create a society consistent with the idea of human security where everyone was able to realize his or her potential and live in dignity.

39. At the fifteenth session of the Human Rights Council, following dialogue on various human rights topics with a number of countries, primarily in Asia, his country had submitted a resolution (A/HRC/15/L.17) on "advisory services and technical assistance for Cambodia". He hoped that the adoption of that resolution would facilitate cooperation between the international community and Cambodia. His country would follow up the support it had already been providing to Cambodia for elaboration of its civil code and code of civil procedure with support for implementation.

40. Noting the persistence of prejudice and discrimination against persons with leprosy, he recalled that his country had contributed to the drafting by the Advisory Committee of the Human Rights Council of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members. It had submitted a draft resolution on that subject to the Council in September 2010, and planned to submit another resolution to the Committee at the current session.

41. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that, while her country appreciated the efforts being made by the international community to protect human rights, the actual exercise of those rights left something to be desired. There were flagrant violations in many regions of the world, notably in the Occupied Palestinian Territory, where the Palestinian people were being denied their right to self-determination. The international community needed to attach greater importance to those violations as it went about reforming the international human rights protection system through the creation of the Human Rights Council, which would soon be undergoing its first review in Geneva and New York.

42. Developing countries were being denied their rights to development because of the inauspicious economic situation, which had reduced them to a condition of dependence, undermined their social stability, bolstered hegemony, and led to poverty, ignorance and disease. Economic, social and cultural rights did not enjoy the same attention as civil and political rights, but all rights were interrelated and interdependent, including the right to development, which encompassed not merely economic growth but also improvements in the condition of peoples, in particular those who were oppressed and marginalized, in order to establish justice, equality and sustainable development for all.

43. Out of its belief in the sanctity of human dignity, the Libyan Arab Jamahiriya had acceded to all international human rights instruments. The Libyan General People's Congress had adopted a law guaranteeing fundamental rights and freedoms. The Great Green Document on Human Rights in the Age of the Masses had abolished degrading punishments, reduced penalties involving deprivation of liberty to a minimum, and increased penalties for the perpetrators of torture or violence.

44. Lack of consistency on the part of the international community with regard to human rights violations created uncertainty, undermined the credibility of the justice system and created the spectre of a system of double standards based on ideological or political motivations.

45. The Libyan Arab Jamahiriya regretted that human rights were not treated as a moral or legal obligation and regulated by well-defined rules, but rather were used to exert pressure for political and economic purposes.

46. **Ms. Rasheed** (Observer for Palestine) said that her delegation wished to thank the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 for his report on the systematic daily violation by Israel, the occupying Power, of the rights of an entire people, including the rights to self-determination, life, property, food, subsistence, housing, education, health, development,

water, freedom of movement and freedom of worship. Those violations had brought about the breakdown of Palestinian society and families, and the fragmentation of Palestinian territory. Israel had murdered, injured and maimed Palestinian civilians through the use of excessive blind force; committed extrajudicial killings and targeted assassinations; arbitrarily detained thousands of civilians; mistreated, humiliated and tortured Palestinian prisoners; destroyed the homes and possessions of Palestinians; and revoked residency permits and expelled Palestinians from East Jerusalem. In the occupied Gaza Strip, the practices and policies of the occupying Power following the Israeli military aggression of 2008, and in particular the illegal blockade that imprisoned the 1.5 million Palestinians who lived there, had exacerbated poverty and deprivation. Despite the efforts of the international community and Palestinian officials to reach a settlement of the conflict, Israel continued to sabotage the peace process with its campaign to colonize and populate Occupied Palestinian Territory, in particular the area in and around East Jerusalem. Israel disregarded the global consensus that such behaviour obstructed peace plans. The settlements were illegal; they violated the relevant provisions of the Fourth Geneva Convention, customary law and the Rome Statute of the International Criminal Court. The settlements and the building of the wall inside the Occupied Palestinian Territory had also resulted in the displacement of thousands of civilians.

47. From the highest levels of Government to its nearly 500,000 settlers, including within the ranks of the occupation forces, accountability for the crimes being committed against the Palestinian people was the exception rather than the rule. If Israel continued to be unaccountable, that would only encourage it to act with impunity in flagrant violation of international law, putting off still further the vision of a final end to the Israeli occupation and realization of the right of the Palestinian people to self-determination.

48. **Mr. Srivali** (Thailand) said that the promotion and protection of human rights, especially the right to development and human security, were major priorities of his Government. He was pleased that Thailand had already achieved many of the Millennium Development Goals, especially Goal 1, and was on track to achieve all the others. The country's most recent achievements were in the areas of gender equality, women's empowerment and maternal health. Thailand was redoubling its efforts to promote the basic rights of the poor — not only their right to education and health care, but also their right to equal economic opportunity and access to justice.

49. In Thailand, the promotion and protection of human rights applied to aliens as well. The Employment of Aliens Act ensured that all registered migrant workers had the same social protection and entitlements as Thai citizens. A special fund had been set up to allow workers without a clear legal status to receive medical treatment and services in public hospitals. Lastly, all children were admitted into schools regardless of their nationality.

50. Thailand, which had worked relentlessly in combating human trafficking at the national, regional and international levels, was aware of the particular vulnerabilities of illegal migrants. Those vulnerabilities were best addressed by regularizing their status and bringing them into the official labour market. While encouraging safe, regular and legal means of migration, Thailand had tried to register and regularize all illegal migrants, and had signed memorandums of understanding with neighbouring countries to help manage labour migration and protect the rights of migrants from those countries.

51. Aware of the complexity of many human rights issues, Thailand preferred constructive dialogue to "naming and shaming". It played an active role in various regional and international forums, including the new Association of South-East Asian Nations (ASEAN) Intergovernmental Commission on Human Rights. As a new member of the Human Rights Council, Thailand hoped to play a constructive role in reconciling opposing views by promoting cooperation and consensus-building, preventive measures, human rights education and capacity-building.

52. **Mr. Ali Hassan** (Sudan) said that, although the promotion and protection of human rights were objectives recognized by all, human rights continued to be violated in many countries, such as the Sudan, which suffered from the legacy of colonialism and wars and must therefore make greater efforts to achieve peace and stability, both preconditions for development and the realization of human rights. It was therefore unacceptable for some countries to set themselves up as policemen to the world, when they themselves had committed the worst violations in contemporary times. His delegation had serious concerns with the

tendentious and reductive manner in which the countries of the European Union were treating human rights. Many people who emigrated to those countries in an effort to escape war or poverty found themselves caught between the devil and the deep blue sea: they were subjected to cruel treatment, deprived of the right to work and restricted in their religious freedom; their religious symbols were ridiculed in the name of freedom of expression; and they were denied the right to dress as they pleased. They were the victims of xenophobic political parties, which tried to limit their religious practices in the name of integration, and they were subjected to torture by the authorities in the name of counter-terrorism. The Sudanese delegation called on the European Union to resume the dialogue and to stop politicizing human rights.

53. The Sudan also condemned the many attempts by special procedures mandate holders to bring up the issue of the rights of homosexuals under various topics, with the complete backing of some countries of the European Union. His country refused to have that issue incorporated into draft resolutions without the prior agreement of the international community.

54. He also agreed with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples that the Government of New Zealand must implement the recommendations made in its regard.

55. Lastly, the role of the Human Rights Council and its mechanisms should be strengthened; the special situation of some countries under review should be reconsidered; a more democratic and objective dialogue should be undertaken; and social and cultural issues as well as human rights should be given the importance that they deserved, in an effort to find common ground and foster dialogue among cultures and civilizations.

56. **Ms. Jarbussynova** (Kazakhstan) said that, despite the economic recovery, protection of human rights continued to be impeded by the global financial crisis. The President of her country had identified measures to increase funding for social development; he also intended to improve the legislative, executive and judicial branches of government, reform law enforcement bodies, develop civil society organizations, and step up efforts to combat corruption and crime.

57. Kazakhstan boasted many achievements in promoting and protecting human rights, including several laws concerning refugees and asylum-seekers, equality between men and women, and crime prevention. The legal policy outline for 2010-2020, approved by the President, was aimed at reforming the country's laws in order to decriminalize certain offences and to promote alternatives to imprisonment. In addition to efforts to align its legislation with international standards, Kazakhstan had signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

58. Recognizing the central role played by the Human Rights Council, Kazakhstan had sought election to the Council for 2012-2015, pledging, if elected, to enhance the credibility and effectiveness of the Council and further to develop the universal periodic review. It intended to make every effort to implement all the recommendations of the universal periodic review and had issued an open invitation to all special procedures mandate holders of the Council. It was also fulfilling its reporting obligations under international human rights instruments. Kazakhstan, which currently held the chairmanship of the Organization for Security and Cooperation in Europe, was actively promoting the human dimension within that organization, focusing on issues such as tolerance, non-discrimination, combating human trafficking, and gender equality.

59. **Ms. Smith** (Norway) said that her country welcomed the establishment of the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association, which were a cornerstone for the promotion and protection of all rights. Her country continued to oppose the death penalty, which made any miscarriage of justice irreversible and tended to encourage a casual attitude to the right to life.

60. While the universal periodic review had been a success, it was not suited to responding to urgent human rights situations. A number of cases deserved attention. Myanmar had not kept its promise of a free and fair process towards the elections of 7 November 2010. In the Islamic Republic of Iran, an erosion of the rule of law had been reflected, inter alia, in arbitrary arrests, torture in prisons, limitations on freedom of expression and of assembly, and the execution of minors. In the case of the Sudan, her country urged the

parties to the Comprehensive Peace Agreement to establish conditions conducive to the organization of the referendums planned for 2011. In the Occupied Palestinian Territory, Israeli occupation deprived the Palestinian population of its fundamental right to self-determination. In the Democratic People's Republic of Korea, the humanitarian situation and the shortage of food were causes for concern. In the Democratic Republic of the Congo, human rights defenders were in a vulnerable position. In the case of Afghanistan, her country supported an Afghan-led reconciliation process including members of the armed opposition willing to renounce violence.

61. **Mr. Rastam** (Malaysia) said that every State had the inalienable right freely to choose its economic system, social structure and cultural values. In developing countries in particular, the exercise of economic, social and cultural rights was as essential as that of civil and political rights. Malaysia rejected the politicization of human rights and the tendency of developed States to legitimize an interpretation of such rights that had not been endorsed by the international community.

62. The Constitution of Malaysia guaranteed the basic rights enshrined in the Universal Declaration of Human Rights. As a multiracial, multireligious and multi-ethnic society, Malaysia had a responsibility to guarantee that individual rights did not impinge on those of the community. The principles of tolerance and social unity were the cornerstones of its social system. Malaysian society should be allowed to continue opening itself to civil and political rights without external pressure, and to develop at its own pace.

63. His Government believed that there was no consensus on the issue of the death penalty, which depended on the criminal justice system chosen by each country. The draft resolution entitled "Moratorium on the use of the death penalty" (A/C.3/65/L.23) did not take into account all points of view on the issue, and sought to develop international law in a certain direction. In Malaysia, the death penalty was imposed only for the most serious crimes and on the basis of strong evidence. In order to reduce the number of death sentences, amendments to the legislation against drug trafficking legislation and a review of charges were under consideration.

64. The universal periodic review was a good replacement for country-specific reports on human rights. Malaysia called on all States to take the opportunity to address the promotion and protection of human rights in a cooperative and constructive manner.

65. There was a worrying trend towards Islamophobia in many parts of the world, and its presence even in intellectual and political circles gave it a degree of legitimacy. In order to counter the extremism at the root of the problem, the Prime Minister of Malaysia had called for the establishment of a global movement of moderates of all faiths.

66. Malaysia was undertaking a comprehensive review of its national legal framework in order to ensure compatibility with the international instruments to which it intended to accede, including the international human rights covenants and the International Convention on the Elimination of All Forms of Racial Discrimination. In July 2010, the country had become a party to the Convention on the Rights of Persons with Disabilities. A government committee had been given the task of studying the various issues related to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The role and functioning of the National Human Rights Commission had been strengthened, and efforts had been made to raise awareness of human rights among various social groups. The government was continuing to foster cooperation between government institutions and civil society.

67. **Mr. Hilmi** (Iraq) said that his country was determined to fulfil its human rights obligations; it had adhered to the principal relevant international instruments, and further accessions were planned. Terrorism was a major challenge for his Government, which worked tirelessly to protect women, children, older persons, places of worship and ethnic and religious minorities. The Government had enacted laws that had enabled the Iraqi security forces to arrest a number of terrorists belonging to the Al-Qaida network and tangibly reduce the level of violence.

68. The Constitution of Iraq was the reference text for the promotion and protection of human rights, having incorporated the relevant provisions of international law. Iraq had put in place national institutions responsible for monitoring human rights and drawing attention to any violations. A national

human rights institute had been established in order to foster a culture of dialogue, tolerance and peace, and to settle issues regarding prisoners, missing persons and mass graves. The Government had begun to review school curricula. It had extended media and press freedoms, allowed the establishment of numerous satellite television stations and drafted a law on information. The Government had strengthened the independence of the judiciary, and was doing its utmost to guarantee its integrity in the protection of citizens' rights.

69. The Government of Iraq was working to lay the foundations of a united and stable democracy in which all citizens could live in peace and security with the same rights and obligations. It therefore welcomed the support of the international community for the reconstruction of Iraq.

70. **Mr. McNee** (Canada) said that his country welcomed the appointment of a Special Rapporteur on the rights to freedom of peaceful assembly and of association as an essential step in the protection of civil society, which had been under threat in a number of regions in recent years. Canada had contributed to the promotion of that right by leading a Community of Democracies working group on enabling and protecting civil society. His country deplored the fact that certain States censored and controlled information technologies. Canada condemned attacks perpetrated against journalists anywhere in the world, and called on all States to work collectively in order to protect freedom of opinion and expression, which was a cornerstone of democracy.

71. Canada was concerned at the situation of fundamental rights in a number of countries. In Belarus, causes of concern included the lack of free and fair elections, the curtailment of political freedoms, and restrictions imposed on human rights organizations and independent non-governmental organizations. The people of Myanmar were being subjected to serious violations of their fundamental rights. He urged the authorities unconditionally to release all political prisoners, including Aung San Suu Kyi. In the Democratic People's Republic of Korea, freedom of opinion, expression and assembly in particular were being disregarded. In the Islamic Republic of Iran, the situation had deteriorated since the presidential elections of June 2009, and numerous groups and minorities were being denied the effective exercise of their rights. In Zimbabwe, despite a decrease in the number of human rights abuses, political activists, trade unionists and members of the independent media and civil society continued to be subjected to acts of violence and intimidation. Lastly, in the case of the Democratic Republic of the Congo, Canada was alarmed at widespread sexual violence and threats against human rights advocates and United Nations investigators. His country urged those States to do their utmost to guarantee the security of their population and to ensure the effective exercise of human rights.

72. **Mr. Percaya** (Indonesia) said that his country had recently signed the International Convention for the Protection of All Persons from Enforced Disappearance. Indonesia's strategy for the promotion of human rights followed the six priorities established by the Office of the High Commissioner for Human Rights, and was based on the idea that democracy and development were closely interrelated. Through its second national action plan for human rights, Indonesia had worked to strengthen national institutions for the promotion and protection of human rights, and had prepared to ratify international instruments. Its legislation and institutions had been harmonized with international human rights law, with an emphasis on human rights education and the implementation of human rights norms and standards. The third national action plan (2010-2015) would seek to improve communication and ensure that the 456 local committees responsible for implementation of the plan could function in accordance with international human rights standards.

73. At the regional level, Indonesia welcomed the establishment of the Intergovernmental Commission on Human Rights, which would help to boost the promotion and protection of human rights in the region. In April 2010, the existing human rights architecture had been complemented by two new initiatives in which Indonesia had participated, namely the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children and the fifteenth workshop on regional cooperation for the promotion and protection of human rights in the Asia-Pacific region.

The meeting rose at 1.05 p.m.